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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/821,076

Applicant(s)

TATAVU ET AL.

Examiner

TZU-HSIANG (SEAN) LAN

Art Unit

3623

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 17-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 17-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Introduction

The following is a final office action in response to the communications received on January 2, 2009. Claims 1-14 and 17-18 are now pending in this application.

Response to Amendment

As to claim 13-16, the previous claim objections are withdrawn in light of applicant's amendments.

As to claim 17-18, applicant's amendment necessitated the new ground(s) of rejection presented in this Office action, see rejection under 35 U.S.C. 103 below.

Response to Argument

Rejection under 35 U.S.C. 101

As to claims 7-12, applicant's argument has been considered but is not persuasive. According to 35 U.S.C. 101 patentable subject includes a process, machine, manufacture, or composition of matter, or any new and useful improvement thereof. Here applicant provides multiple software modules, recitation of software module without tie to an apparatus can simply be interpreted as computer codes. Computer codes by itself do not have functional usage until it is executed by a processor or a machine. Therefore, a proper system claim is coupled with hardware(s) to disclose functionality as it executed various modules.

Applicant further discuss recitation of computer system in figure 1 with processor and memory, but it is noted that the features upon which applicant relies (i.e., processor

and memory) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Rejection under 35 U.S.C 102

As to claim 1-3, 5-6, 7-9, and 11-12, applicant's arguments with respect to claims 1, 3 and 6 have been considered but are not persuasive. Applicant argues that US patent 6311192 to Rosenthal et al. (hereafter Rosenthal) do not disclose multiple limitations in the claimed invention. Examiner respectfully disagrees due to reasons discussed below.

In response to applicant's argument that Rosenthal did not disclose "updating said workflow request with pre-process workflow data," applicant is reminded that USPTO personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim should not be read into the claim. *E-Pass Techs., Inc. v. 3Com Corp.*, 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted "in view of the specification" without importing limitations from the specification into the claims unnecessarily). *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See also *In re Zletz*, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322

(Fed. Cir. 1989) ("During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process."). MPEP 2106.II C.

Here, in claim 1, Rosenthal does disclose "updating said workflow request with pre-process workflow data." Fig 8 a-c shows a workflow relates to personnel position change. Col. 7 line 45 – col. 9 line 25 disclose updating workflow request for filling a job position (col. 7 line 65-67 i.e. request for filling temporary duty assignment) with pre-processed workflow data. In light of broadest interpretation, "updating" simply means to bring up to date by adding new information or making correction (<http://dictionary.reference.com/browse/update?qs=2888>), and "pre-process workflow data" simply mean workflow related data that have not been processed. Here, Rosenthal disclose updating workflow request with pre-processed data by adding new information such as position availability (col. 8 lines 5-15) and adding name of the person who is proposed to be transferred (col. 8 lines 51-65).

In response to applicant's argument that Rosenthal did not disclose "matching logical operations associated with said plurality of request type with corresponding said

data objects identified in said data model," see "broadest reasonable interpretation" discussed above.

Here, in claim 3, Rosenthal does disclose "matching logical operations associated with said plurality of request type with corresponding said data objects identified in said data model" before executing a workflow (col. 9 lines 34-47 where fig 2 and fig 5 were processed before submit to workflow on figure 8). In light of the broadest reasonable interpretation, logical operations shown in table 1 such as submitted_transfer and TDY assignment are associated with plurality of request type such SA or SH and Trigger or Activate.

SA and SH correspond to plurality of request type because SH represents the first request type which call for third and fourth rows of the scenario table and SA represents the second request type that operate fifth through seventh row of the scenario table (col. 9 lines 36-47). Trigger and Activate also correspond to two different request type see col. 10 line 21-37.

Therefore, Rosenthal has shown matching logical operations associated with plurality of request type with corresponding said data object identified in said data model in table 1, for instance, matching job position change with workflow object. Workflow object maps position data input, or data object identified in data model, in figure 4.

In response to applicant's argument that Rosenthal did not disclose "substituting corresponding said data objects representative of said pre-process workflow data into said workflow request," see "broadest reasonable interpretation" discussed above.

Here, in claim 3, Rosenthal does disclose "substituting corresponding said data objects representative of said pre-process workflow data into said workflow request." Said work request corresponds to request for filling a temporary position (col. 7 line 65-67 i.e. request for filling temporary duty assignment). According to dictionary.com, "substituting" means "to replace" (<http://dictionary.reference.com/browse/substitute?qsrc=2888>). In col. 8 lines 15-38, Rosenthal discloses replacing data relating to temporary assigned employee with data relating to currently picked employee such as employee number.

In response to applicant's argument that Rosenthal did not disclose "sending outcome data in notification of said workflow processed from said workflow engine to a post workflow interceptor," see "broadest reasonable interpretation" discussed above."

Here, in claim 6, Rosenthal does disclose "sending outcome data in notification of said workflow processed from said workflow engine to a post workflow interceptor." Figure 2 and 5, show first part of workflow both ended with save change in planned status and set mode to either SA or SH, these information is later send to a post workflow interceptor or second part of the workflow in figure 8 and referring to col. 9 lines 34-47. Steps 201 and 206 of figure 8 teach receiving outcome data in notification from workflow 2 and 5 and further execute scenario commend accordingly.

In response to applicant's argument that Rosenthal did not disclose "updating of said data object in said data model with said outcome data by said post-workflow

interceptor to synchronize said data model with said plurality of resources of said computer system," see "broadest reasonable interpretation" discussed above.

Here, in claim 6, Rosenthal does disclose "updating of said data object in said data model with said outcome data by said post-workflow interceptor to synchronize said data model with said plurality of resources of said computer system." In col. 13 line 6 – col. 14 line 10, Rosenthal teaches ending post-workflow interceptor (figure 8) with change the database as to implement the proposed changes that have been approved. In another word, update database to implement the proposed change that have been approved. All the data objects in said data model have been disclosed previously (such as position information in fig 3-4, and col. 5 line 31- col. 6 line 9). It is inherent that employee position change is synchronize with said data model with plurality of resource of said computer system because col. 4 line 45 – col. 5 line 6 and figure 1 teaches that supplemental routine is able to write proposed change into the database; hence, synchronizing implemented change with database information.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 7-12 are rejected under 35 U.S.C. 101 because claims 7-12 describe a computer system with subject means to carry out various functions. All the subject means can be reasonably interpreted as software. Software application is a nonstatutory subject matter under 35 U.S.C. 101.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-9 and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosenthal et al.

As to claim 1, Rosenthal et al. disclose claimed invention including a method for binding of a workflow engine to a data model containing data objects associated with a plurality of resources (Fig 1, workflow engine bind to data model i.e. database, personal development, and personal administration), for a workflow request having a first message type in a computer system (Col. 9 line 21-25; Col 9 lines 24-47), said method comprising the steps of:

updating said workflow request with pre-process workflow data (Col. 9 lines 21-25; Col. 8 lines 60-65);

transforming said updated workflow request from first message type to a second message type supported by said workflow engine (Col 9 lines 37-47; Col. 9 lines, 59-62);

processing said updated workflow request to update said plurality of resources in said computer system (col. 10 lines 20-37; col. 10 lines 48-51); and,

updating said data objects of said data model associated with updated said plurality of resources (Col 13 lines 20-23).

Regarding claim 2, see the discussion in claim 1. Rosenthal et al. further disclose that the step of updating said workflow request comprises:

determining a plurality of request types associated with said workflow request (Col. 9 lines 34-47); and

resolving said plurality of request types based on said data objects of said data model (Table 1).

Concerning claim 3, see the discussion in claim 2. Rosenthal et al. further disclose that wherein said step of resolving comprises:

matching logical operations associated with said plurality of request types with corresponding said data objects identified in said data model (Table 1); and,

substituting corresponding said data objects representative of said pre-process workflow data into said workflow request (Col. 9 line 60 - col. 10 line 11, table 1, and [col. 10 lines 48-55, and fig 7]).

As to claim 5, see the discussion in claim 1 above. Rosenthal et al. further disclose that said updated workflow request further comprises a workflow engine (Col 9, lines 59-61, and Fig 1).

Regarding claim 6, see the discussion in claim 5 above. Rosenthal et al. further disclose that the step of updating said data model further comprises:

sending outcome data in notification of said workflow processed from said workflow engine to a post workflow interceptor (Col 10 lines 48-57, Col. 9 line 37-47, and fig. 8);

matching said outcome data in said notification with corresponding data objects in said data model by said post-workflow interceptor (Col 9 lines 24-47, and Table 1);
and

updating of said data objects in said data model with said outcome data by said post-workflow interceptor to synchronize said data model with said plurality of resources of said computer system (Col.13 lines 7-23, and Col. 10 lines 58 – col. 11 lines 3, figure 7, table 1).

With respect to claim 7, Rosenthal et al. anticipated the claimed invention. All the limitations of claim 7 are of the same scope as the limitations of claim 1, and are therefore rejected on the same basis, with following noted exceptions. Claim 7 recites a first updating means, a transforming means, a processing means, and a second updating means. Rosenthal et al. disclose a supplemental routine module, equivalent to

transforming means (transforming function according to table 1, see Fig 1 and col. 9 lines 34-47), first updating means, and second updating means (Fig 1, col. 5 lines 1-5, i.e. first update mean, publish event, on workflow and second update mean, write database). Rosenthal et al. further disclose a processor, col. 3 lines 10-15, corresponds to a processing means.

Concerning claim 8, see the discussion in claim 7 above. All the limitations of claim 8 are of the same scope as the limitations of claim 2, and are therefore rejected on the same basis, with following noted exceptions. Claim 8 recites a determining mean and a resolving means in the first updating mean. Rosenthal et al. disclose a supplemental routine module able to act as determining mean and resolving mean. Supplemental routine module able to determine request type (col. 9 lines 24-46 i.e. SA or SH) and resolve request type (Table 1, resolve by matching mode indicator to proper scenario).

With respect to claim 9, see the discussion in claim 8 above. All the limitations of claim 9 are of the same scope as the limitations of claim 3, and are therefore rejected on the same basis, with following noted exceptions. Claim 9 recites a matching mean, a substitution mean in the resolving meaning. Rosenthal et al. disclose a supplemental routine module able to act as matching mean and substitution mean. Supplemental routine module able match request type (table 1, match mode indicator, SA or SH to

scenario or event) and substitute data request type (Col. 9 line 60- col. 10 line 11 substitute scenario for corresponding mode indicator).

As to claim 11, see the discussion in claim 10. All the limitations of claim 11 are of the same scope as the limitations of claim 5, and are therefore rejected on the same basis, with following noted exceptions. Claim 11 recites a workflow engine within a processing mean. Fig 1 of Rosenthal et al. show workflow engine within a processing server, or processing mean.

As to claim 12, see the discussion in claim 11. All the limitations of claim 12 are of the same scope as the limitations of claim 6, and are therefore rejected on the same basis, with following noted exceptions. Claim 12 recites a sending mean, a matching mean, and a synchronize mean. Fig 1 of Rosenthal et al. shows a supplement routine module act as sending mean, send data to database, as matching mean, match scenario in table 1 and table 2, and as a synchronize mean, synchronize requested change with database to update current employee position (Col. 13 lines 10-23 i.e. synchronize approved status with database).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenthal et al. in view of Ims et al.

With respect to claim 4, see the discussion in claim 3. Rosenthal et al. disclose the claim substantially including wherein the step of resolving further comprises traversing a search hierarchy including workflow request and a defaults objects (Figure 2, where search hierarchy is traversed according to logic test; search hierarchy includes workflow request (71-81), display all possible attribute for position, and default objects, 101 job code for the opening job position).

However, Rosenthal et al. do not explicitly disclose search hierarchy includes device model. Ims et al. disclose: search hierarchy with device model (Fig 9, i.e. service unit). This known function is applicable to the search hierarchy disclosed in Rosenthal et al. as they both share characteristics and capabilities, namely, all the functions are traversable by workflow engine.

One of ordinary skill in the art would have recognized that applying the known technique of Ims et al. would have yielded predictable results and resulted in an

improved system. It would have been recognized that applying the function of Ims et al. to the teachings of Rosenthal et al. would have yield predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such data processing feature into similar system. Further, applying device model function to search hierarchy disclosed in Rosenthal et al. would have been recognized by those of ordinary skill in the art as resulting in an improved system that would allow confirmation of device prior to workflow execution.

Regarding claim 10, see the discussion in claim 9. All the limitations of claim 10 are of the same scope as the limitations of claim 4, and are therefore rejected on the same basis, with following noted exceptions. Claim 10 recites a resolving mean further comprise means for traversing a search hierarchy. Rosenthal et al. disclose a supplemental routine module able to traverse a search hierarchy in Fig 8.

Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenthal et al. in view of Ims et al. and further in view of Danneels et al.

As to claim 13, see the discussion on claim 1 above. Rosenthal et al. do not explicitly teach a computer program product having a computer readable medium for performing method steps of claim 1, although it is strongly suggested in col. 3 lines 32-47 of Rosenthal et al. Danneels et al., teaches a computer-implemented method realized as one or more programs on a computer (see column 2, lines 40-46 of Danneels et al.) In addition, Danneels et al. teaches that the programs are storable on a computer-readable medium such as a floppy disk or a CD-ROM (see column 2, lines 46-49 of Danneels et al.). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method discussed in claim 1. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of distribution and installation and execution of the software on another computer (see column 7, lines 46-49 of Danneels et al.).

As to claim 14, see the discussion in claim 1 above. all the limitation of claim 14 are of same scope as claim 13 and are therefore rejected on the same basis. Signal bearing medium having a computer readable signal is equivalent to computer readable medium product discussed in claim 13; hence, same rejection applied.

Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenthal et al. in view of US patent 2002/0161859 to Willcox et al. ("Willcox").

As to claim 17, see the discussion in claim 1 above. Rosenthal does not explicitly disclose disabling monitoring device prior to processing update request and enabling said monitoring device after update workflow request. However, Willcox discloses:

Prior to processing said workflow request, disabling an application scheduled to be updated by said updated workflow engine request (§ 87 i.e. existing system, updates require system to be shut down while the update take place).

Although Willcox and Rosenthal do not explicitly recite enable an application after updated workflow request, official notice is given that it is well know in the art at the time of the invention to enable an application after update is completed. Further, Rosenthal and Willcox do not explicitly recite a monitoring device being disabled then enabled during workflow update. However, monitoring device is representative of non-functional descriptive material as what type of device is not functionally related to the step of disable and enable step during workflow update process (MPEP 2106 II; *In re Gulack*, 217 USPQ 401 (Fed. Cir. 1983), *In re Ngai*, 70 USPQ2d (Fed. Cir. 2004), *In re Lowry*, 32 USPQ2d 1031 (Fed. Cir. 1994)) and therefore monitoring device do not impose patentable weight in claim 17.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Rosenthal with Willcox because claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As to claim 18, see the discussion in claim 7 above. All the limitations of claim 18 are of the same scope as claim 17, therefore rejected on the same basis with following noted exception. Claim 18 recites first updating mean capable to disable a device and second updating mean capable to enable a device. Rosenthal discloses first updating means, and second updating means (Fig 1, col. 5 lines 1-5, i.e. first update mean, publish event, on workflow and second update mean, write database) without specifying disable and enable function for first and second updating mean. However, Willcox discloses disabling an old rule then enabling a new rule is well known in the art (§§ 87-88). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify first updating mean with disabling function and second updating mean with enabling function since claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TZU-HSIANG (SEAN) LAN whose telephone number is (571)270-7054. The examiner can normally be reached on Monday-Friday 8am-4pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth V. Boswell can be reached on (571)272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TZU-HSIANG (SEAN) LAN/
Examiner, Art Unit 3623

/Beth V. Boswell/
Supervisory Patent Examiner, Art Unit 3623